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Attorneys for the Debtor and Debtor-in-Possession  
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Avrum J. Rosen  
UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 11

JOSEPH F. UVINO AND  
WENDY M. UVINO,

Debtors.

Case No.: 09-15225-cgm  
Hon. Cecelia G. Morris

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### **DEBTORS' APPLICATION FOR FINAL DECREE**

To: Honorable Cecelia G. Morris  
Chief United States Bankruptcy Judge:

Joseph F. Uvino and Wendy M. Uvino, the Debtors and Debtor-in-Possession (the  
“Debtors”), by their counsel, The Law Offices of Avrum J. Rosen, PLLC, as and for their  
application for a Final Decree, respectfully sets forth and represents as follows:

1. The Debtors' Second Amended Plan of Reorganization was confirmed by Order  
dated February 15, 2012. On May 24, 2012, the Court entered an Order Modifying the Debtors'  
Second Amended Plan of Reorganization (the “Plan”).

2. On March 4, 2013, the Court entered a Final Decree [ECF Docket No. 170].

3. By Order dated November 24, 2014, the Court re-opened the Chapter 11 case,  
upon application of City National Bank, a creditor of the Debtors [ECF Docket No. 191]. The  
Debtors and City National Bank engaged in mediation which resulted in a Settlement Agreement  
[ECF Docket No. 222] and on February 29, 2016, a Consent Order Approving Settlement and  
Closing Case was entered [ECF Docket No. 223] (the “Consent Order”).

4. By letter dated March 4, 2016 [ECF Docket No. 224], the undersigned advised

the court that the case was prematurely closed because a Final Decree was required to be entered. As such, it was requested in the letter dated March 4, 2016 and is respectfully requested herein, that the portion of the Consent Order that closed the case be vacated to allow the proposed Final Decree to be entered.

5. Since the reopening of the case, the Debtors have continued making payments under the Plan. All post-confirmation quarterly operating reports have electronically filed as an attachment to the Affirmation of the Debtors' Disbursements which has been separately electronically filed with the Court.

6. The administrative claims of the Debtors' professionals have been paid or have been settled by agreement between the parties.

7. All of the statutory fees due to the Office of the United States Trustee have been paid by the Debtors. In the event that fees are due to the Office of the United States Trustee, then the Debtors shall pay any fees and interest within fourteen (14) days of the entry of the Final Decree.

8. All payments pursuant to the Plan have been made or settled except for City National Bank which payments are being made pursuant to separate Settlement Agreement. It is therefore respectfully requested that this Court enter a Final Decree so that this case can be fully administered and closed.

9. The Debtors now seek a discharge under 11 U.S.C. § 1141(d)(5) with respect to all debts other than City National.

10. The Office of the United States Trustee has indicated that it has no objection to entry of the Final Decree.

**WHEREFORE**, the Debtors respectfully requests the entry of a Final Decree as annexed  
hereto as “Exhibit A.”

Dated: Huntington, New York  
March 10, 2016

The Law Offices of Avrum J. Rosen, PLLC  
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